

EXHIBIT A



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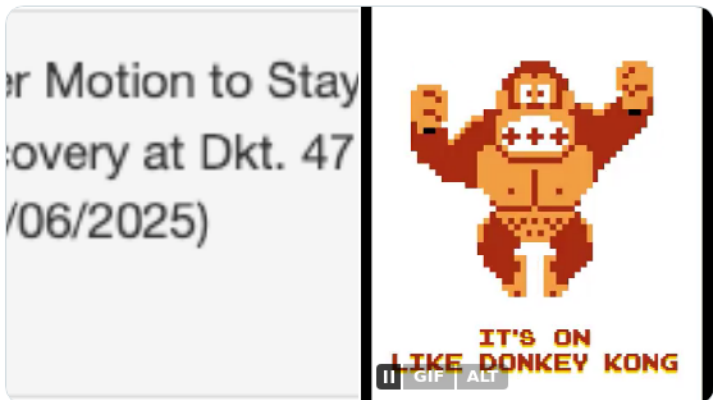
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6:50 PM · Feb 6, 2025 · 4,247 Views



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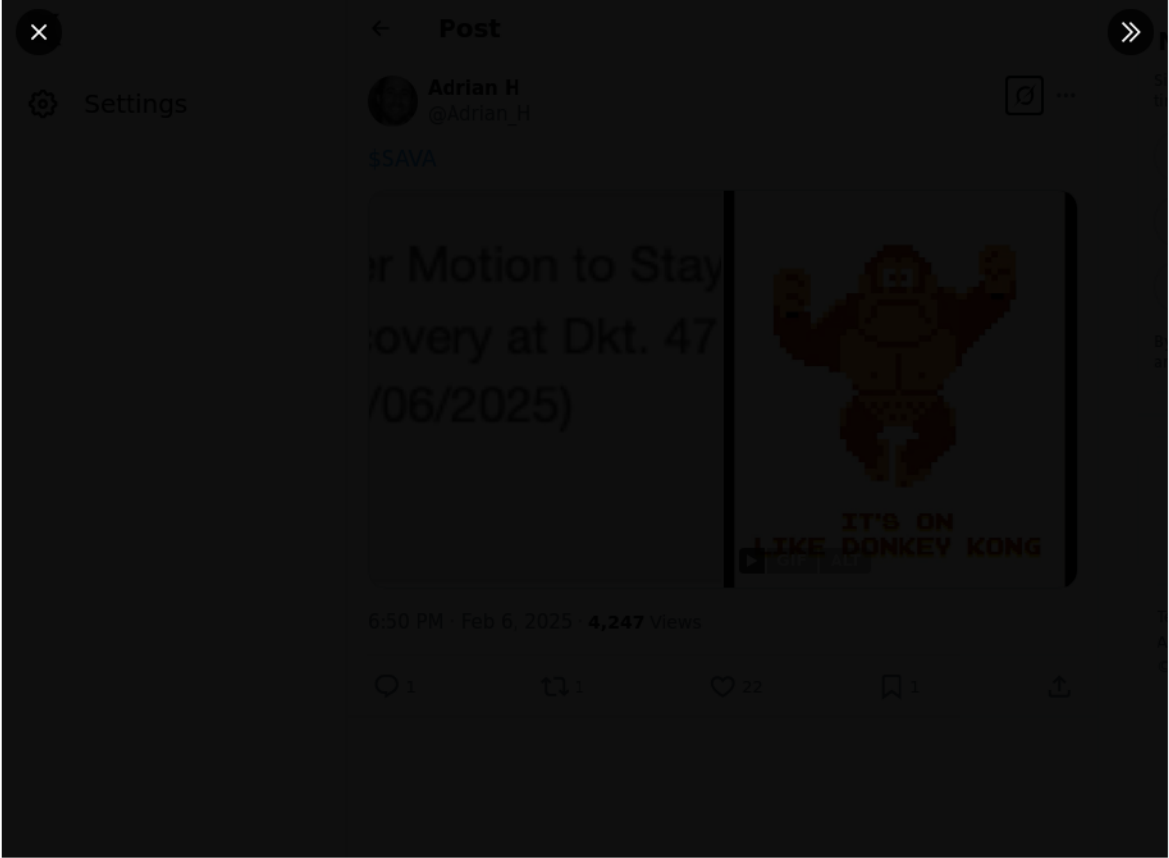
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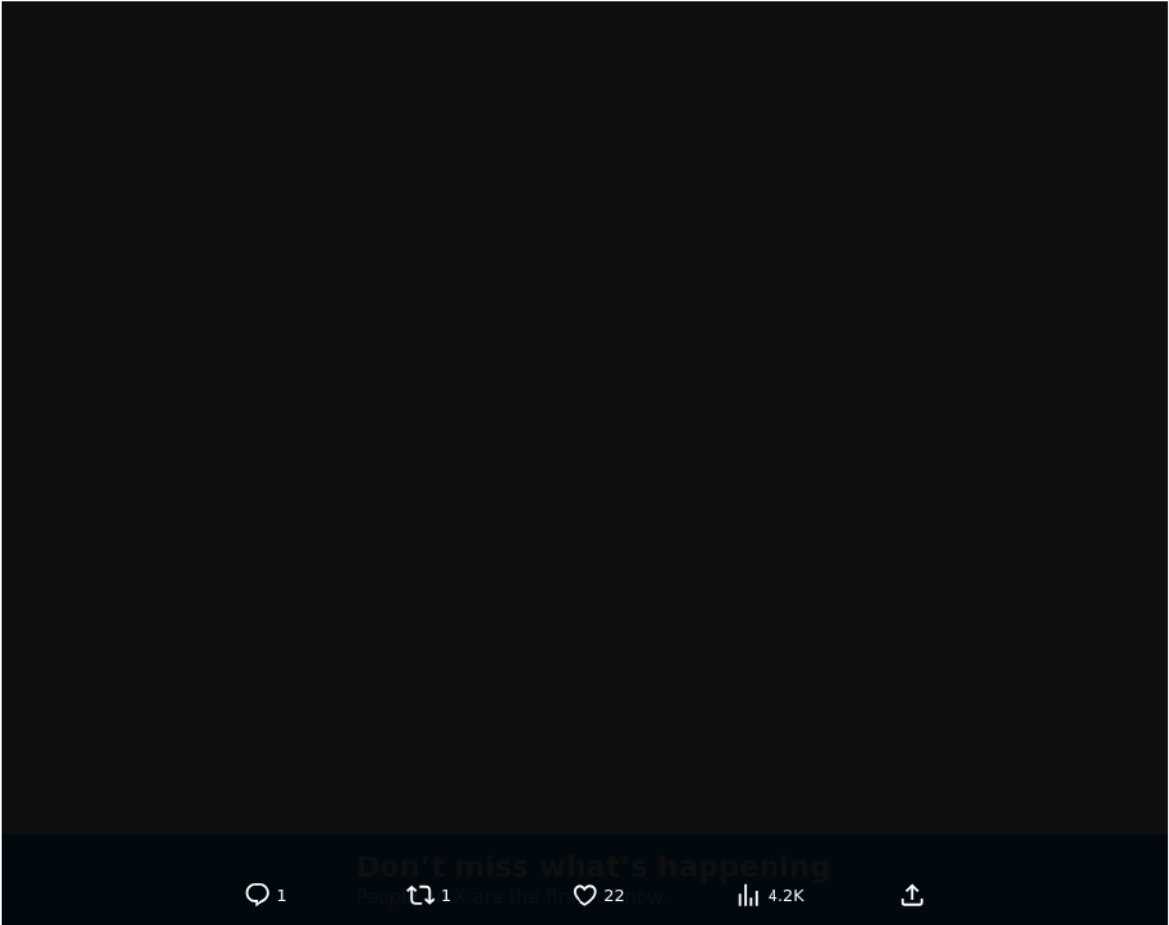
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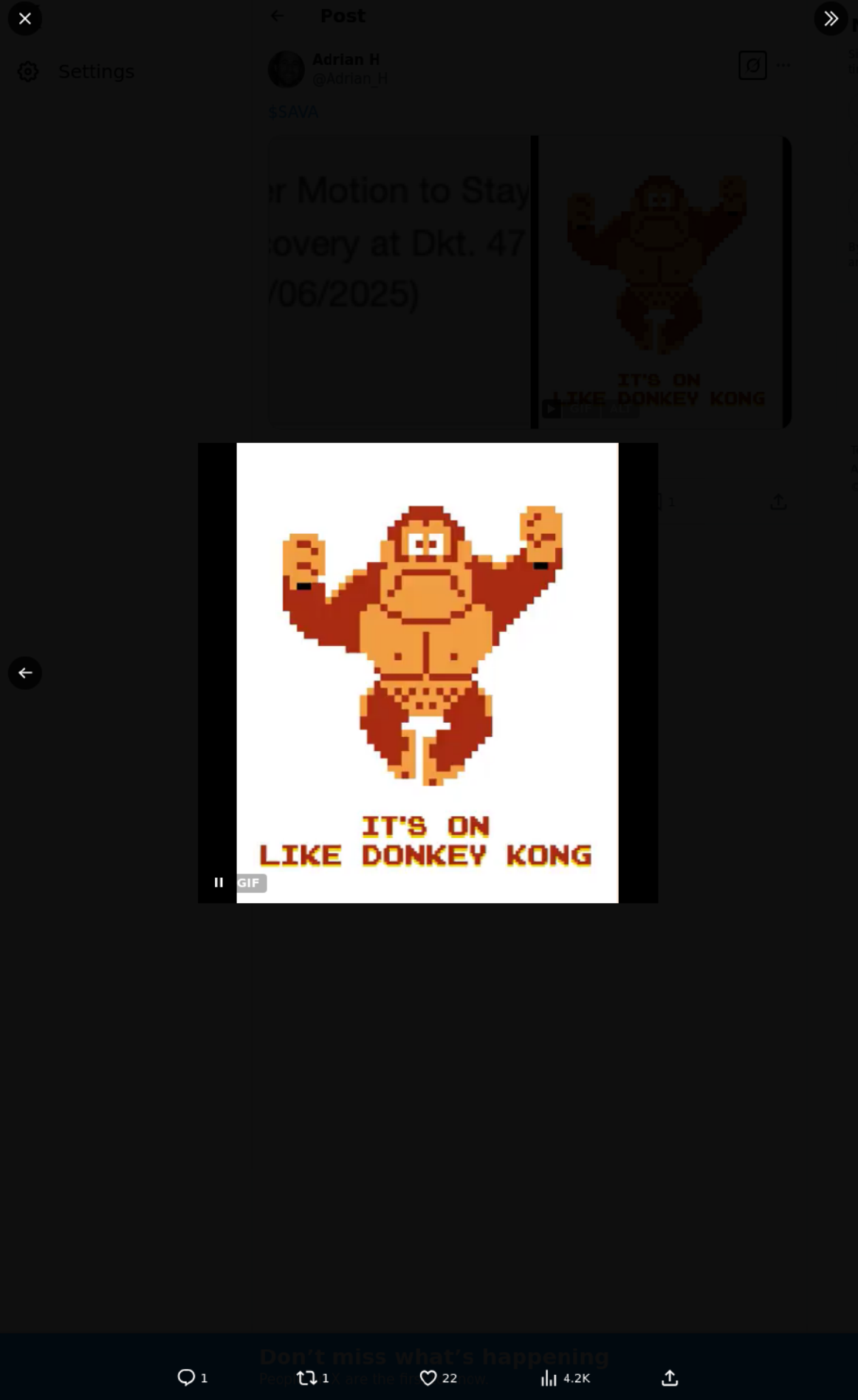
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56	Feb 6, 2025	ORDER denying 47 Letter Motion to Stay. For the reasons stated on the record at today's conference, Defendants' letter-motion to stay discovery at Dkt. 47 is DENIED. (HEREBY ORDERED by Judge Jennifer L. Rochon)(Text Only Order) (aba) (Entered: 02/06/2025)	
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADRIAN HEILBUT, JESSE BRODKIN, and
ENEAL MILJORIS,

Plaintiffs,

DAVID BREDT and GEOFFREY PITT,

Intervenor-Plaintiffs,

v.

CASSAVA SCIENCES, INC., REMI BARBIER,
and DR. LINDSAY BURNS,

Defendants.

Case No. 1:24-cv-05948-JLR

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Steven J. Fink of the Law Office of Steven J. Fink PLLC hereby appears as counsel for defendants Remi Barbier and Dr. Lindsay Burns (together, “Defendants”) in the above-captioned action and that all papers in this action should be served upon him at the address listed below. Defendants expressly reserve all of their rights and defenses, whether jurisdictional, procedural, substantive, or otherwise, including lack of personal jurisdiction.

I certify that I am admitted to practice before this Court.

 Adrian H @Adrian_H · Feb 14



“ If his forces
are united,
separate
them. ”

Sun Tzu (The Art of War)

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wait, wut? Charles Spruck the chief "independent expert"
Cassava apologist was (later?) under an NDA with \$SAVA ?

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- than an agreement to provide legal advice or services related to th

fact, in the NDA, Cassava's attorneys explicitly disclaim that Cassa

relationship with Dr. Spruck. Defendants have provided no documenta

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21-cv-00751-DAE Document 300 Filed 02/18/25 Page

xecuted until June 14, 2023, and the communications identified on

e all from 2022 – prior to the entry of the NDA.

HEALTH | Scientists Question Data Behind an Experiment

ON."

Charles Spruck, a cancer researcher at the San

Prebys Medical Discovery Institute in San Die

than 25 years of experience with the Western

believed the anomalies in those images could

simple mistakes or vagaries of the technique.

Document 300 Filed 02/18/25 Page 101

HEALTH | Scientists Question Data Behind an Experiment

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6:52 PM · Feb 19, 2025 · 3,360 Views

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The agreement between Cassava and Dr. Charles Spruck is a non-disclosure agreement (“NDA”) rather than an agreement to provide legal advice or services related to the provision of legal advice. In fact, in the NDA, Cassava’s attorneys explicitly disclaim that Cassava is entering into a business relationship with Dr. Spruck. Defendants have provided no documentation indicating that they intended on retaining Dr. Spruck as an expert or that Defendants actually retained Dr. Spruck to provide legal advice or services related to the provision of legal advice. Moreover, the

- 5 -

4910-1604-9434.v1

Case 1:21-cv-00751-DAE Document 300 Filed 02/18/25 Page 7 of 14

NDA was not executed until June 14, 2023, and the communications identified on the Cassava’s privilege log are all from 2022 – prior to the entry of the NDA.

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wait, wut? Charles Spruck the chief "independent expert" Cassava apologist was (later?) under an NDA with \$SAVA ?

document between Cassava and Dr. Charles Spruck is a non-disclosure agreement that was signed by Dr. Spruck on or around January 14, 2023, and the communications identified on or after January 14, 2023, and prior to the entry of the NDA.

HEALTH | Scientists Question Data Behind an Experimental Alzheimer's Drug

Charles Spruck, a cancer researcher at the Sanford Burnham Prebys Medical Discovery Institute in San Diego, who has more than 25 years of experience with the Western blot method, said he believed the anomalies in those images could be the result of simple mistakes or vagaries of the technique.

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The New York Times

HEALTH | Scientists Question Data Behind an Experimental Alzheimer's Drug

on."

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document between Cassava and Dr. Charles Spruck, is a non-disclosure agreement, not an agreement to provide legal advice or services related to the litigation. In fact, in the NDA, Cassava's attorneys explicitly disavow that Cassava's relationship with Dr. Spruck. Defendants have provided no documentation to support their claim that Dr. Spruck was an expert or that Defendants actually received legal advice or services related to the provision of legal advice. I

December 9, 2021

Douglas Galasko, PhD, and Philip Scheltens, PhD
Editors-in-Chief
Alzheimer's Research & Therapy

RE: Concerns on Wang et al. (2017) Increased Aβ₄₂-α7-like nicotinic acetylcholine receptor complex level in lymphocytes is associated with apolipoprotein E4-driven Alzheimer's disease pathogenesis *Alzheimer's Research & Therapy* 9:54.

Dear Drs. Galasko and Scheltens:

This letter is in response to publisher Rebecca Pearce asking for a retraction due to allegations around my publication in *Alzheimer's Research and Therapy* (MS ID AZRT-D-17-00036/ DOI 10.1186/s13195-017-0280-8). With this letter response I explain why the allegations are false.

I previously emailed 10 attachments of original uncropped blots; none show evidence of image manipulation. Ms. Pearce stated in her email that the reasons for retraction is "in line with COPE guidelines." I respectfully disagree. The stated reason for retraction is: "Our investigation has concluded that explanation provided for the inconsistencies in the Western blots were insufficient and therefore confidence in the integrity of the data presented in article is compromised." It appears that the explanations in my letter were examined, but the original blots provided in the other 10 attachments were not examined during the investigation. Critically, COPE guidelines for retraction require "clear evidence [emphasis added] that the findings are reliable, either as a result of major error (eg, miscalculation or experimental error), or as a result of fabrication (eg, of data) or falsification (eg, image manipulation)." These basic elements of retraction are lacking in the proposed retraction. And in fact, the high-resolution TIFF image files of the original uncropped blots sent in 10 separate attachments provide clear evidence of an absence of manipulation.

It is alleged that by creating the right mix of contrast and/or darkness to the entire image, one protein band, or set of bands, has a very slightly different background.

But, as is apparent in the original whole blots, herewith provided once more for your consideration, background inconsistencies are not created unless and until extreme high contrast (+ 100%) and darkness (- 40%) settings are applied. Applying such extreme settings is itself manipulation and does not support that the allegations are true. Further, the continuity of the surrounding background of the protein bands in each original blot image shows evidence that these protein bands were not, and cannot have been, transplanted from a different source. There is no apparent manipulation of the protein band or blot.

In general, a practiced Western blot researcher knows that image backgrounds can vary slightly for many reasons, including use of hand-poured gels; x-ray film condition; streaks produced by the film processor; wrinkles and folds of the plastic wrap that covers the membrane to prevent drying from influencing the background (and uneven drying of the membrane); air bubbles; trace amounts of chemiluminescent reagents; patches intrinsic to the nitrocellulose membranes; scotch tape or other markings remaining on the underlying, previously exposed film to which the smaller film (cut to fit the size of the gel) is taped so that it more easily fits through the processor; and so on. Cutting film to fit the size of gel is a practice of many academic labs conducting high volumes of Western blots and using x-ray film rather than digital imaging.

(Digital imaging does avoid many of these visual artifacts, which is one reason, along with cost of film, that labs have been transitioning to digital imaging for immunoblotting, but my lab did not have the resources to convert to digital imaging although we are working toward digital imaging.) Any one or a combination of these things can influence an image background on x-ray film and result in a minor visual imprint. None of these things are evidence of data manipulation.

I urge you to consider the profit motive that is admittedly at the base of these allegations. Starting in August 2021, my entire academic research career was suddenly subjected to intense public scrutiny when Wall Street investors and their collaborators started to relentlessly attack my reputation and scientific integrity, with unfounded claims of data manipulation that are published on social media for maximum effect. The goal of these objectors was to depress the stock price of Cassava Sciences, for which I have led research collaborations for over a decade. The objectors had an admitted short position in Cassava stock and stood to benefit financially from a reduction in stock price, even if prompted by spreading false information.

Please note that the editors of *Journal of Neuroscience* (Marina Picciotto, PhD) and *Neuroscience* (Prof. Juan Lema, PhD) both recently agreed that I had not engaged in data manipulation following a thorough examination of raw data in three papers. For all three papers, the editors-in-chief found "no evidence of data manipulation."

An independent expert on Western blots, Dr. Charles Spruck, has also examined and refuted the allegations of manipulation of my Western blot images across many papers, as shown in the attached letter by Dr. Spruck. Dr. Spruck is a molecular biologist whose academic lab runs ~1,000 Western blots each year. He is not being paid by CUNY, Cassava, or me. Dr. Spruck has agreed to speak with journal editors, but he wants to remain anonymous on social media sites. Dr. Spruck's bio and blog posts are available at the below links:

<https://lad-science.org/2021/10/21/notes-from-a-molecular-biologist/>
<https://lad-science.org/2021/10/21/af-shorts-and-blogs/>
<https://www.sbpdiscovery.org/our-scientists/charles-spruck-phd>

This letter response, along with the original blots, shows by clear evidence that the allegations concerning *Alzheimer's Research & Therapy* 9: 54 are meritless. There is no evidence of data manipulation. For these reasons, I believe there is no basis for a retraction.

Thank you for your time and the opportunity to respond.

Sincerely yours,

Hoau-Yan Wang

Hoau-Yan Wang, Ph.D.
Medical Professor
CUNY School of Medicine

Attachment: Letter from Dr. Spruck refuting allegations of WB image manipulation.

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Capture timestamp (UTC): Thu, 06 Mar 2025 17:35:43 GMT

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maybe we should have ordered them a pizza

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have allowed alternative service after the same number or fewer attempts. *See, e.g., Tube City IMS*, 2014 WL 6361746, at *3 (permitting substitute service following six failed attempts); *Ultradent Prods., Inc. v. Heyman*, Case No. M8-85 RPP, 2002 WL 31119425, *4 (S.D.N.Y. Sept. 24, 2002) (permitting substituted service after two failed attempts at personal service.) Further, Plaintiffs are concerned that future attempts at personal service will not be fruitful. Plaintiffs' process servers have left their contact information for both recipients and have not been contacted or received responses, in Dr. Spruck's case, to their outreach. Further, Plaintiffs' servers have tried to serve Dr. Spruck and Mr. Nachtrab at times where, based on the lights on and cars outside, it has appeared that someone has been available in their residences but unwilling to open the door and respond. Given Plaintiffs' diligent attempts to personally serve Dr. Spruck and Mr. Nachtrab, Plaintiffs now request authorization to proceed with service by posting on their residential doors and by certified mail—methods which are regularly found to be "reasonably designed" to "ensure actual receipt." *Holland*, 2023 WL 3570667.

Accordingly, Plaintiffs request that this Court authorize service of subpoena *duces tecum* on Dr. Spruck and Mr. Nachtrab by (i) the posting a copy of the subpoenas on the doors of Dr. Spruck and Mr. Nachtrab's residential addresses and (ii) the mailing of copies to Dr. Spruck and Mr. Nachtrab via certified mail.

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